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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,102	07/17/2003	Stephen S. Ing	117891-156747	8437
60/172 7590 05/29/2009 SCHWABE, WILLIAMSON & WYATT, P.C. 1420 FIFTH, SUITE 3010 SEATTLE, WA 98101				
EXAMINER VO, TUNG T				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 05/29/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,102

Applicant(s)

ING ET AL.

Examiner

Tung Vo

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-64 is/are pending in the application.
- 4a) Of the above claim(s) 38-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 50-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Takashima (US 5,754,233).

Re claim 55, Takashima discloses a system (100 of fig. 5) comprising:

a processor (105 of fig. 5) to perform a bit rate control (107 of fig. 5) to compress a frame of uncompressed image data (109 of fig. 5);

a controller (104, 107, and 108 of fig. 5, elements are formed as a controller) coupled said processor (105 of fig. 5) to determine a capability of a codec under the control of the processor (105 of fig. 5) to compress image data based on whether a difference between a compression time for a current frame (105 of fig. 5, note the encoding apparatus 100 also includes a counter 104 and a timing control circuit 105 fed with outputs of the counter 104 and the scene change detection circuit 101) and a target frame period exceeds a threshold (107 of fig. 5; see also fig. 8); and

a compressor (100 of fig. 5) including the processor (105 of fig. 5) and the codec (106 and 109 of fig. 5), the compressor (e.g. 106 and 109 of fig. 5) further including a first data storage queue (102 of fig. 5, a frame memory) and a second data storage queue (110 and 111 of fig. 5) coupled to provide the processor (105 of fig. 1) separate from uncompressed image data stored in the first data storage queue (Video In is uncompressed data stored in the frame memory, 102 of fig. 5), a respective current byte count (e.g. 104 of fig. 5, picture counter, macro-block counter, and other counters count the current byte count) of the uncompressed image data stored in the first data storage queue and separate from compressed image data stored in the second data storage queue (e.g. a code buffer stored the compressed image data, 110 of fig. 5), a current byte count of the compressed image data stored in the second data storage queue (e.g. a buffer counter, 108 of fig. 5), to allow the processor (105 of fig. 5) to facilitate an adjusting of a target frame rate (107 of fig. 5).

Re claim 56, Takashima further discloses wherein said controller is further to adjust said target frame rate based at least in part on the compression time (104, 105, and 107 of fig. 5).

Re claim 57, Takashima further discloses wherein said controller is configured to adjust said target frame rate to a value equal to a frame rate of a video capture device divided by an integer divisor (107 of fig. 5, see also fig. 8).

Re claim 58, Takashima further discloses wherein the frame rate of the video capture device is 30 frames per second and the integer divisor has a value between 1 and 30 (e.g. Video In is inherently 30 frames per second and the rate controller sets a range for the code generation rate which ranges from a picture next to an intra-picture to the next intra-picture, which encompasses a value between 1 to 30, 107 of fig. 5).

Re claim 59, Takashima further discloses wherein the threshold corresponds to a predetermined portion of the target frame period (Note In the encoding apparatus 100 shown in FIG. 5, a scene change is detected by integrating the inter-picture differences for one picture period, 101 of fig. 4).

Re claim 60, Takashima further discloses wherein the codec (106 and 109 of fig. 5) is coupled to receive the uncompressed image data from the first data storage queue (102 of fig. 5) and coupled to provide the compressed image data to the second data storage queue (110 of fig. 5) .

Re claim 61, Takashima further discloses wherein the processor (105 and 107 of fig. 5) is to control a compression rate of the codec.

Re claims 50-54, see analysis in claims 55-61;

Re claims 62-64, see analysis in claims 55-61.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/
Primary Examiner, Art Unit 2621